

FILED

2008 MAR 12 PM 4:46

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIABY KNH DEPUTY

1 Chad McKinney  
 2 Pro Se  
 3 6266 Madeline St Apt #61  
 4 San Diego, CA 92115  
 5 619-634-3566

## THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

6 CHAD MCKINNEY, an individual,

5 ) CIV. Case No.07-cv-2373 W&H  
 6 )  
 7 ) FOR VIOLATION OF FEDERAL  
 8 ) FALSE CLAIMS ACT AND FOR  
 9 ) VIOLATION OF THE  
 10 ) THE CIVIL RIGHTS ACT 1964 AND  
 11 ) THE AMENDMENTS TO TITLE  
 12 ) VII OF THE CIVIL RIGHTS ACT OF  
 13 ) 1991

10 Plaintiff,

11 )  
 12 )  
 13 )  
 14 ) RETALIATION- WRONGFUL  
 15 ) TERMINATION &  
 16 ) EMPLOYENT DISCRIMINATION  
 17 ) CIVIL ACTION

14 v.

15 APOLLO GROUP INC., UNIVERSITY OF  
 16 PHOENIX , a Corporation, MECHELLE  
 17 BONILLA, an Enrollment Manager at  
 18 UNIVERSITY OF PHOENIX, KYAN  
 19 FLYNN, Director of Enrollment at  
 20 UNIVERSITY OF PHOENIX, APRIL  
 21 ALCORN, an Employee Relations  
 22 Consultant at UNIVERSITY OF PHOENIX  
 23 CARLYN LINDSTEN, Associate Director of  
 24 Enrollment at UNIVERSITY OF PHOENIX

15 ) Plaintiff's Motion for Clerk's  
 16 ) Entry of Default

17 )  
 18 ) Demand for Trial By Jury Pursuant  
 19 ) to U.S. Constitution, 7<sup>th</sup> Amendment

20 ) March 12, 2008

21 Defendants

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**PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT**

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3 Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant  
4 Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se,  
5 respectfully moves the Court to enter a default against the defendant Carlyn Lindsten, in the  
6 amount of \$5,000 since the Defendant has failed to plead or otherwise defend herself against  
7 the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil  
8 procedure. The Complaint was originally filed with the Court on December 19<sup>th</sup> 2007 and  
9 entered December 20<sup>th</sup>. The defendant was served on January 31, 2008. (Please see copy of  
10 Return of Service).

11  
12 In support of this motion, the Plaintiff states with supporting evidence:

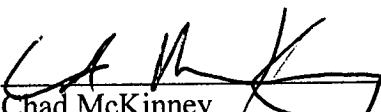
13 1. This complaint was filed on December 19, 2007  
14 2. This complaint was properly served on January 31, 2008  
15 3. As of the 12<sup>th</sup> of March 2008, the Defendant is late 42 days.  
16 4. The plaintiff's complaint requests punitive damages of \$5,000, so a default judgment  
17 in this amount should be deemed reasonable.  
18 5. Said defendant is not an infant or incompetent, but an individual who was given ample  
19 time to respond within the timeframe required by the Federal Rules of Civil Procedure.

20 No extra time was requested by the defendant nor granted by the Court.

1 WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default  
2 against the Defendant in the amount of \$5,000 to reasonably cover the damages incurred by  
3 the plaintiff.

4

5 Respectfully submitted,

6   
7 Chad McKinney

8 Pro Se  
9 6266 Madeline St Apt #61  
San Diego, CA 92115  
619-634-3566

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Chad McKinney  
Pro Se  
6266 Madeline St Apt #61  
San Diego, CA 92115  
619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

CHAD MCKINNEY, an individual,

) CIV. Case No.07-cv-2373  
)  
) FOR VIOLATION OF FEDERAL  
) FALSE CLAIMS ACT AND FOR  
) VIOLATION OF THE  
) THE CIVIL RIGHTS ACT 1964 AND  
) THE AMENDMENTS TO TITLE  
) VII OF THE CIVIL RIGHTS ACT OF  
) 1991

Plaintiff,

# RETALIATION- WRONGFUL TERMINATION & EMPLOYMENT DISCRIMINATION CIVIL ACTION

V.

**Memorandum of Points and  
Authorities in Support of Plaintiff's  
Motion for Clerk's Entry of Default**

APOLLO GROUP INC., UNIVERSITY OF  
PHOENIX, a Corporation, MECHELLE  
BONILLA, an Enrollment Manager at  
UNIVERSITY OF PHOENIX, KYAN  
FLYNN, Director of Enrollment at  
UNIVERSITY OF PHOENIX, APRIL  
ALCORN, an Employee Relations  
Consultant at UNIVERSITY OF PHOENIX  
CARLYN LINDSTEN, Associate Director of  
Enrollment at UNIVERSITY OF PHOENIX

Demand for Trial By Jury Pursuant  
to U.S. Constitution, 7<sup>th</sup> Amendment

March 12, 2008

## Defendants

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT PLAINTIFF'S  
MOTION FOR CLERK'S ENTRY OF DEFAULT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant Carlyn Lindsten, in the amount of \$5,000 since the Defendant has failed to plead or otherwise defend herself against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19<sup>th</sup> 2007 and entered December 20<sup>th</sup>. The defendant was served on January 31, 2008. (Please see copy of Return of Service).

In support of this motion, the Plaintiff states with supporting evidence:

1. This complaint was filed on December 19, 2007
2. This complaint was properly served on January 31, 2008
3. As of the 12<sup>th</sup> of March 2008, the Defendant is late 42 days.
4. The plaintiff's complaint requests punitive damages of \$5,000, so a default judgment in this amount should be deemed reasonable.
5. Said defendant is not an infant or incompetent, but an individual who was given ample time to respond within the timeframe required by the Federal Rules of Civil Procedure.

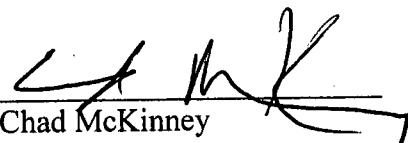
No extra time was requested by the defendant nor granted by the Court.

1 WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default  
2 against the Defendant in the amount of \$5,000 to reasonably cover the damages incurred by  
3 the plaintiff.

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5 Respectfully submitted,

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Chad McKinney

Pro Se

6266 Madeline St Apt #61

San Diego, CA 92115

619-634-3566

## **CERTIFICATE OF SERVICE**

I, Chad McKinney, hereby certify that on, March 12, 2008, I served copies of the motion for Clerks entry of default on the following parties by way of United States Postal Service First Class Mail:

University of Phoenix  
Attention of: Carlyn Lindsten  
3890 Murphy Canyon Road  
San Diego, CA 92123

1 Chad McKinney  
2 Pro Se  
3 6266 Madeline St Apt #61  
4 San Diego, CA 92115  
5 619-634-3566

6 **THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA**

7 **March 12, 2008**

8 **BY HAND DELIVERY**

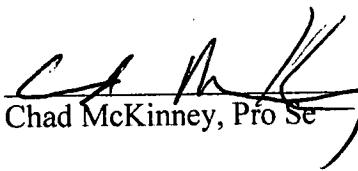
9 The Honorable Judge William Q. Hayes  
10 Referred to: Magistrate Judge Cathy Ann Bencivengo  
11 330 West Broadway, San Diego  
12 CA 92101-3827

13 Re: McKinney v. Apollo Group Inc., *et al*  
14 Civil Action 07-cv-2373

15 Dear Judge Hayes,

16 Enclosed is a courtesy copy of the Plaintiff's Motion for Clerk's Entry of Default Judgment and  
17 appendices that was hand delivered with the Clerk today.

18 Respectfully,

19   
20 Chad McKinney, Pro Se

21 Cc: Apollo Group, Inc.